

SUFFOLK COUNTY LEGISLATURE

SPECIAL MEETING

**SIXTEENTH DAY
NOVEMBER 9, 2005**

**MEETING HELD AT THE WILLIAM H. ROGERS LEGISLATURE
BUILDING IN THE ROSE Y.
CARACAPPA LEGISLATIVE AUDITORIUM
725 VETERANS MEMORIAL HIGHWAY, HAUPPAUGE, NEW YORK**

MINUTES TAKEN BY

LUCIA BRAATEN, COURT STENOGRAPHER

[THE MEETING WAS CALLED TO ORDER AT 12:00 NOON]

P.O. CARACAPPA:

Good morning, Mr. Clerk.

MR. BARTON:

Good morning, Mr. Chairman.

P.O. CARACAPPA:

Roll call, please.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCILOLO:

Here.

LEG. SCHNEIDERMAN:

Here.

LEG. O'LEARY:

Here.

LEG. VILORIA • FISHER:

(Not Present)

LEG. LOSQUADRO:

(Not Present)

LEG. FOLEY:

(Not Present)

LEG. LINDSAY:

Here.

LEG. MONTANO:

Here.

LEG. ALDEN:

Here.

LEG. KENNEDY:

(Not Present)

LEG. NOWICK:

Here.

LEG. BISHOP:

Here.

LEG. MYSTAL:

Here.

LEG. BINDER:

(Not Present)

LEG. TONNA:

Here.

LEG. COOPER:

Here.

D.P.O. CARPENTER:

Here.

P.O. CARACAPPA:

Here.

LEG. VILORIA • FISHER:

Here I am.

MR. BARTON:

14 present, Mr. Chairman. (Not Present at Roll Call: Legs. Losquadro, Foley, Kennedy and Binder)

P.O. CARACAPPA:

Thank you. Would everyone please rise for a salute to the flag, led by Legislator Lindsay.

(Salutation)

LEG. ALDEN:

Mr. Presiding Officer.

P.O. CARACAPPA:

Oh, Legislator Alden.

LEG. ALDEN:

I would ask for a moment of silence. And it just hits home every day. Just a couple of days ago at my church, Trinity Lutheran, we buried Jared Kremm. He was killed over in Iraq. He was a good Marine, good •• really

good kid. And I would ask for a moment of silence in memory of him and others that have served and the people that are serving right now to protect our freedom.

P.O. CARACAPPA:

Also, I'd just like to add former Suffolk County Sheriff, John Finnerty, who actually also helped launch the Suffolk County Police Department many years ago. He passed a couple of weeks ago. So moment of silence, please.

(Moment of Silence)

P.O. CARACAPPA:

Thank you. Good morning, everyone. Mr. Barton, please read the Special Meeting notice.

MR. BARTON:

Yes. Yes, Mr. Chairman. Notice of a special meeting, dated November 3rd, 2005, to all County Legislators, from Joseph T. Caracappa, Presiding Officer.

"Please be advised that a Special Meeting of the Suffolk County Legislature will be held on Wednesday, November 9th, 2005, at 11 a.m., in the Rose Caracappa Legislative Auditorium, located at the William Rogers Legislature Building, 725 Veterans Memorial Highway, Hauppauge, New York, pursuant to Section 2•6(B) of the Suffolk County Administrative Code for the following purposes: " A one•hour public portion, followed by eight items, including the Operating Budget for 2006. It's signed and was distributed properly.

P.O. CARACAPPA:

Thank you, Mr. Clerk. Before we get started with the few cards that we have, let me take this opportunity to congratulate everyone who's returning to the Legislature, and those who are ••

LEG. TONNA:

How about us? I want to be congratulated for not.

P.O. CARACAPPA:

That was next. And for those who are leaving, I wish, in the next couple of

months, all the best. Congratulations to the Treasurer•Elect ••

D.P.O. CARPENTER:

Thank you.

P.O. CARACAPPA:

•• Angie Carpenter. And ••

(Applause)

And Supervisor•Elect Foley, congratulations to you.

(Applause)

And to soon to be Majority Leader or Presiding Officer, Bill Lindsay.
Fantastic job. Congratulations to you and your caucus.

(Applause)

Okay. I'm sure everyone's wide awake this morning, so let's just get right into it. Public portion. This is the public's time to speak, as we all know. Members of the public who do speak, you have three minutes. This is your time, your time only, not a question and answer period. First speaker is Ben Zwirn.

MR. ZWIRN:

Thank you. Thank you, Mr. Presiding Officer. And the County Executive would also like to extend his congratulations to those folks who were elected last night, and he looks forward to working with the new Legislature in the Year 2006 and beyond. And to those who are moving on, that he thanks them for their public service to the taxpayers of Suffolk County. It is a •• truly a hard job to do, and he wants to recognize those people who are moving on and wishing them well, as well.

With respect to the budget, the County Executive's Budget Office is still reviewing it, but some of the remarks that the County Executive had in disappointment with some of his reorganization and smart growth initiatives

seem to have been eliminated. The Environment Department, the I.T. Department, moving DWI to Probation, security guards at the Gabreski Airport. He was disappointed, because he thinks those were good ideas and things that should merit the Legislature's consideration.

The County Exec would also like to extend thanks to Legislator Bill Lindsay for his efforts on •• in the omnibus meetings, and for doing such a good job, and he's grateful for his efforts there.

The County Executive is also concerned about the stand•alones, and they are reviewing them now to ensure that there are no tax increases, that the revenues are real, and that there are no expenditures that are unnecessary. We will have people here, if there are any questions of the Legislature for the County Exec's Budget Office, and we can be helpful in that. Thank you very much.

P.O. CARACAPPA:

Thank you, Ben. Yeah, we'll have, I'm sure, questions later. Anne •• I believe it's Anne Kellett.

MS. KELLETT:

Yes. Thank you. My name is Anne Kellett and I'm a member of the Suffolk County Public Health Nurses Advisory Committee. I thank you for this opportunity to discuss the current issues related to the services of these nurses.

Two weeks ago I presented to the Health and Human Services Committee the perspective of this advisory committee regarding the budgetary proposal to transfer six public health nurses to other departments within the Department of Health, and that perspective was that we saw no budgetary benefits to the plan, but, rather, the creation of an unsafe patient situation for all members of our collective communities, as well as an inappropriate use of these public health clinical specialists who are reimbursed up to 85% of their services.

The expectation that 12 public health nurses would cover 1,000 square miles is untenable.

Today, however, I would also like to give you another view of the work of these experiences. Their practice covers many broad areas of health and illness that other community agency personnel do not address. In public health, communities and populations are the focus. That means that these public health nurses assess each of our communities and focus on the morbidity rates and high risk health issues in these communities, and that they do this to prioritize, to develop and prioritize special programs to reduce and offset their findings. There are many broad areas that warrant inclusion in their work, yours and mine for all of our communities; child and perinatal health and mortality, precursors of adult health and illness, mental health and illness, evaluations of interventions and populations of differing demographic characteristics, increasing health literacy, and there's an endless list of other topics.

One of the most prominent markers of the health of communities is the infant mortality rate. That is the number of infants who die before their first birthday. A prominent contributing factor to this is prematurity. In the United States, there's approximately 180 premature deliveries per thousand births. The March of Dimes estimates the average cost to be \$60,000 per baby per hospitalization. What happened here in Suffolk County is that through a program called the Healthy Birth Program, the prematurity statistic for 1,000 birth patients visited under a developed prenatal protocol was that 60 babies delivered preterm. That cost, then, or that savings, rather, was approximately 6 million dollars. However, there is a notable and continued disparity between the rate among the African•American population and the Caucasian population, which means that this program cannot be compromised.

P.O. CARACAPPA:

Ma'am, your time has expired, if you could just sum up your comments.

MS. KELLETT:

Sure I will.

P.O. CARACAPPA:

Thank you.

MS. KELLETT:

Okay. So the Bureau of Public Health Nursing, which is made up of expert clinicians, serves the most vulnerable and underserved members in the County. At this crucial time of increasing numbers of uninsured, increasing numbers of seniors, as well as the national trend to increase home care and community health centers, the committee asked that you seriously review the health needs of each of your own communities, the economical advantage of the services of these public health nurses and overturn this proposal. I thank you.

P.O. CARACAPPA:

Thank you. Frank Parisi. Is it Parisi, Frank Parisi?

MR. PARISI:

Thank you very much. I'm here today mainly to find out why the home health care doesn't have more efficient nurses to take care of us. We're old people and most of us, when we reach the age that I am, they need more help.

As far as affording to pay privately, we can't. We were too busy bringing up our children, sending them to college, and that's where the money went. When we reach my age, there's very little. And the home health care is doing such a beautiful job with us, except they need more nurses. If the nurses got paid more money, then they would hire them and afford them, but the idea is they don't. Now, I get two showers a week, which is not enough. I feel that I need more help, and I appreciate it very much if they can appropriate more money, because it's a good cause. It's taking care of the elderly. I think I'm the oldest man in this building, so I do need help and others do need help.

If you're looking for a way to cut money, I could make a suggestion. Cut the money from the Legislators. If they cut some of their money, we would have more money.

And I would appreciate very, very much if you can do something to help us. And we appreciate everything you do. And you're going to get old one day and you might be standing right here where I am. I want to thank all you

Legislators very much. Thank you for listening to me.

P.O. CARACAPPA:

Thank you, sir. Next speaker is Terence Smith.

MR. SMITH:

Good morning, and thank you for the opportunity to speak. I'm Terence Smith. I'm the Administrator of Huntington Hospital's Dolan Family Health Center, and I'd just briefly like to thank this group for the hard work on the omnibus budget resolution, which I believe is going to prepare most of the health centers to get through and address the increased demand that we are going to face in 2006.

Two weeks ago our Chairperson of our Community Board, Dolores Thompson, and I addressed the Health and Social Services Committee. We told about our particular health center, which is going to end the year probably twenty•two hundred visits more than we ever have had, and probably delivering 52 babies more than we ever have had. There are more people moving into northwest Suffolk County, and the Dolan Family Health Center is going to do its best to address the needs of the uninsured. We're confident that with the money that's in the budget •• the omnibus resolution, plus having some meaningful dialogue with the Department of Health with regard to the contingency fund, that we think we'll be in good shape for 2006 to address more and more patients and residents of Suffolk County's health care needs. I thank you very much for your constant support.

P.O. CARACAPPA:

Thank you. I have no other cards. Anyone wishing to be heard? Ms. Pannullo, come on up.

MS. PANNULLO:

Good morning. My name is Judy Pannullo, Executive Director of the Suffolk Community Council. I'm sorry I didn't fill out a card, I got here a little too late.

I, too, want to thank the Legislature for all of the hard work and all of the

funds put into the omnibus bill that will help the human service agencies that serve Suffolk County's most vulnerable.

When I was looking at the omnibus bill, my attention was caught by D021, Public Works, reduces the 2005 estimated outside printing in DPW Printshop by thirty•five hundred, and in DPW Transportation by 15,000. I believe that 15,000 is a contract that the Suffolk Community Council never got from 2004 that was promised to us. We never got a signed contract. And just last week, I was told we weren't, that that was denied. I think you know about that. So I'm here to protest that in any way I can.

P.O. CARACAPPA:

You're at the wrong building.

MS. PANNULLO:

Well, I've tried at the other building. Mr. Sabatino knows I have tried the other building. Bu this is in your omnibus bill, and so I'm hoping that it's not too late. But I did want to bring that to everyone's attention.

P.O. CARACAPPA:

Thank you.

MS. PANNULLO:

Thank you.

LEG. O'LEARY:

Thank you.

P.O. CARACAPPA:

Anyone else? Okay. Motion by myself, second by Legislator O'Leary, to close the public portion. All in favor? Opposed? Abstentions? Public portion is now closed.

MR. BARTON:

16, 2 not present. (Not Present: Legs. Foley and Binder)

P.O. CARACAPPA:

Going to Item Number 2 on the Special Meeting notice. There is a CN in your packet. It's the TAN, Tax Anticipation Note. I'll make a motion, second by Legislator Lindsay. Roll call.

(Roll Called by Mr. Barton, Clerk)

P.O. CARACAPPA:

It's 2189, just by the way. Yes. It's a TAN.

LEG. LINDSAY:

Yes.

LEG. COOPER:

(Not Present)

LEG. TONNA:

Yes.

LEG. BINDER:

(Not Present)

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Yes.

MR. BARTON:

Cooper •• Carpenter, I'm sorry.

D.P.O. CARPENTER:

Yes.

LEG. COOPER:

Yes.

MR. BARTON:

17, 1 not present, Mr. Chairman. (Not Present: Leg. Binder)

P.O. CARACAPPA:

Thank you. That's approved. Moving on to Number 3, consider and vote on budget amendments to the mandated portion of the proposed 2006 County Budget. How are we going to go about this here? Is it just Budget Amendment 1, Gail?

MS. VIZZINI:

Budget Amendment 1 is the mandated portion of the omnibus.

P.O. CARACAPPA:

Okay. So I'll make a motion to approve ***Budget Amendment 1.***

LEG. LINDSAY:

Second.

P.O. CARACAPPA:

Second by Legislator Lindsay. All in favor?

LEG. CARACCIOLO:

On the ••

P.O. CARACAPPA:

On the motion. I'm sorry. Legislator Caracciolo.

LEG. CARACCIOLO:

Thank you. Gail, could you just summarize the change in the mandated funds that are included in this Omnibus Resolution Number One, and how it differs this year in the way certain expenses are being treated, beginning with this budget, as mandated rather than discretionary funds? Could you identify the fund categories and the amounts involved?

MS. VIZZINI:

Budget Amending Resolution Number 1 is the mandated portion. The mandated portion of the property taxes are reduced by 4.5 million dollars. Correspondingly, in Budget Amendment Number 2, which is the discretionary portion, some of those monies are shifted, and the discretionary portion is increased by that same amount, 4.5 million. Therefore, there is •• when taken together, there is no net impact.

LEG. CARACCIOLO:

Let me be a little bit more specific then. What I'm addressing is the issue in

the treatment of retirement funds and other funds in the past that have been treated as discretionary funds in our budget, as opposed to now being included in the mandated portion of the budget.

MS. VIZZINI:

That's correct. This year, in 2006, the payment of retirement is considered as a mandated expense.

LEG. CARACCILOLO:

What is the amount involved?

MS. VIZZINI:

In the General Fund, it's approximately 54 million dollars.

LEG. CARACCILOLO:

That's a lot of money. From your perspective as a Budget Director and your •• and your office, we have never done this before, and why •• I know Fred Pollert, your predecessor twice removed now, argued when he was a Budget Director that we shouldn't be treating funds like this in this fashion. What's changed in the last year•and•a•half where there now seems to be a consensus that we should do this? And what affect does it have on the tax bill, more specifically on what's described on the tax bill as state funded and unfunded mandates?

MS. VIZZINI:

Well, in the past, the definition of "retirement" was closely connected to personnel, which, although we have •• we have discretion over the numbers of personnel that perform our functions, we, therefore, have discretion over how many people we have to pay retirement for. The only change is how retirement is being treated in the 2006 budget. It is now being treated as a mandated expense. It basically swings over in the General Fund about 54 million dollars in expenditures from discretionary to mandated. Part of the explanation is a change in the manner in which the State has allowed us to pay the retirement bill. Other suggested explanations for the treatment is that it mitigates and continues •• it mitigates the impact on discretionary increases in expenditures, and it also continues to underscore the need to •• for the public and the policymakers to be aware of the unfunded mandates

that are placed on the municipality.

LEG. CARACCILOLO:

Yeah. What I find interesting about this change is that it's taken place during the Democratic administration. A former member of this body, in fact, Steve Levy, would have argued vehemently in the past if an administrator or County Executive would have attempted to treat something of this magnitude in this manner. But now the tables have turned and we want to disguise County expenses on the tax bill as a State expense, and that's unfortunate. That's •• that's the kind of budgeting that will eventually catch up with County administrators if they're not careful. And it's something that those who remain behind here in the minority, the new minority, are going to have to guard and watch very carefully.

I think it's nothing more than a cheap political trip •• trick. And I'm not going to support this budget for this and several other reasons, because it's time that we present honest budgets. You know, we like to call these documents honest budgetary budgets, practices, and whatever, and they're anything but that, and that's truly unfortunate. Thank you.

P.O. CARACAPPA:

Thank you, Legislator Caracciolo. Anyone else? There's a motion and a second. All in favor? Opposed?

LEG. CARACCILOLO:

Opposed.

P.O. CARACAPPA:

Legislator Caracciolo is opposed. Abstentions?

MR. BARTON:

16•1, 1 not present. (Not Present: Leg. Binder)

P.O. CARACAPPA:

Budget Amendment 1 is approved. Moving on to **Budget Amendment 2**, which is the discretionary omnibus resolution. Motion by myself, second by Legislator Lindsay. All in favor?

LEG. KENNEDY:

Mr. Chair, on the motion.

P.O. CARACAPPA:

On the motion, Legislator Kennedy.

LEG. KENNEDY:

Gail, I have two questions as far as •• I believe they are in the discretionary component. When we had spoken about the Emergency Drug Prescription Program and also funding for HEAP, Home Energy Assistance Program, are they addressed in this discretionary budget, and if so, how?

MS. VIZZINI:

Yes, they are addressed. Among the things that the discretionary omnibus does is it transfers the \$850,000 for the Emergency Prescription Voucher Program from the Department of Social Services, where it was actually considered a mandated expense. Although it is a completely voluntary program, it is transferred to the Health Department to ensure geographic accessibility, medical oversight. And it is our hope that workers in the Health Department will be able to get these individuals enrolled in managed care programs. In the Health Department, it will be a discretionary expense.

As far as your question regarding a supplemental heating assistance program, the discretionary omnibus provides one million dollars in supplemental heating assistance to provide relief for eligible Suffolk County residents. These monies will be expended after the federal monies for the HEAP Program have been completely exhausted.

LEG. KENNEDY:

And the movement of the Drug Prescription Program allows the same types of reimbursement practices that had been available with DSS, and possibly everyone more so out of Health?

MS. VIZZINI:

Absolutely. The Health Department will seek reimbursement from Medicaid,

as it does for other health services that are reimbursed through Medicaid, working in concert with the Department of Social Services.

LEG. KENNEDY:

Thank you.

LEG. MONTANO:

What number is that on the sheet here, code number? 30? Okay.

MS. VIZZINI:

Did you find it?

LEG. MONTANO:

Yes, I did. Thank you.

LEG. VILORIA • FISHER:

What's the number?

LEG. MONTANO:

30, 030.

P.O. CARACAPPA:

Legislator Caracciolo.

LEG. CARACCILOLO:

I'd like Mr. Zwirn to come forward. Mr. Zwirn. Good morning, Ben.

MR. ZWIRN:

Good morning.

LEG. CARACCILOLO:

Ben, I would just appreciate perhaps not clarification, but probably more of a commitment that included in Budget Amendment 2 of the omnibus, on Page 4 of this resolution, it indicates that the Legislature is appropriating 1.5 million dollars for sales tax revenue sharing with the villages and town police departments.

Now, the treatment in the discretionary omnibus resolution is a commitment to not only identify, but earmark that 1.5 million dollars to those 20 or so village and police •• town police departments throughout the County. It's a little bit different than what the County Executive proposed and what he and I had discussed and agreed upon verbally. In fact, a resolution was to be submitted that would clearly identify that not only did we start with 1.5 million dollars for 2006, but going forward over the next four years, or a total of five, there would be 100% increase from the current levels for those town and village police departments. I just want to ensure that you can speak on his behalf that this appropriation, not earmarked, but this appropriation will not be stricken with his veto pen when he looks at this entire Budget Amendment 2, because it's certainly being treated as an appropriation rather than an earmark.

MR. ZWIRN:

Right. Well, I think that in your discussion with the County Executive, the County Executive will keep his word on that, I'm sure. I know there was some disappointment on the County Executive's part, because I think when you gentlemen had talked about getting this money for the East End, the resolution that had proposed this, there was a motion to override his veto, which he was surprised, because we thought an agreement had been reached and that there would be no motion in an attempt to override his veto. So he kept his word and I think he will continue to keep his word.

LEG. CARACCILO:

Okay. So the fact that it's being treated here as an appropriation, I need not be concerned, nor the residents of those communities be concerned that he may veto this appropriation?

MR. ZWIRN:

As a member of one of those communities, I feel confident that the County Executive will live up to his word.

LEG. CARACCILO:

Okay. All right. Thank you, Ben.

LEG. VILORIA•FISHER:

Joe.

P.O. CARACAPPA:

I recognize Legislator Bishop.

LEG. BISHOP:

I'll yield for the question. I just want to make a ••

P.O. CARACAPPA:

Legislator Viloria•Fisher.

LEG. BISHOP:

•• speech in favor of the amendment.

LEG. VILORIA•FISHER:

Gail, I would like to ask, regarding the public health nurse issue, how that was treated in the omnibus, and where we can find the lines where we have the additional positions? Sorry about my voice, I hope you can hear me.

MS. VIZZINI:

The discretionary omnibus before you provides \$250,000 for implementing an equitable and competitive salary schedule for the nursing titles. This is in the •• it's in a contingency fund. Once a study is done and recommendations are made and the parties are in agreement, then those monies can be appropriated from that contingency.

LEG. VILORIA•FISHER:

But are there actual additional positions?

MS. VIZZINI:

There are vacant positions in the public health nursing titles. We did not create additional positions.

LEG. VILORIA•FISHER:

Okay. Thank you.

P.O. CARACAPPA:

In other words, the positions are there, they just need to be filled.
Legislator Bishop.

LEG. BISHOP:

Thank you, Mr. Chairman. I've had the honor of serving on the Omnibus Committee since that committee was first created under Presiding Officer Blydenburgh about a decade ago, and each budget presents different challenges. But I think that this year, while we did good work in the Omnibus Committee, we were also handed a budget that was very solid to begin with.

First, we should commend New York State, something we rarely do here. New York State did do to the right thing this year and they reduced our burden in a number of ways, particularly in Medicaid, and that's helpful. And we have kept our commitment to the taxpayers, that if New York State does the right thing, that we would, in turn, pass that on to the taxpayers. And so there is that General Fund tax decrease that County Executive Levy proposed, we've maintained.

But we've also in this omnibus addressed some areas that this Legislature feels are priorities; HEAP. We know that the enormous escalation in the price of home heating oil and natural gas is going to create great pain in this County, and it's particularly painful for those on a fixed income who have to pay for heat without an increase in social security. So we have a fund for them that we're •• and we're putting a million dollars into that fund to help those low income homeowners.

We've addressed the health clinic issue. We've addressed revenue sharing for the Police Department. We have increased the living wage contingency, which we believe will go to day•care workers, and that money that they get will, of course, be spent in the County and ensure that there's better, more professional day•care for our communities' children. So this is a, once again, a very good omnibus. I think that it's good work that we should be proud of, and I know it's going to pass overwhelmingly and it should.

P.O. CARACAPPA:

Thank you, Legislator Bishop, for saying all that. It took a little load off my back this morning. I didn't have to go through all of it. I, too, believe this is a very good omnibus. And, yes, we were handed a decent budget to work with. And, for the most part, a lot of the major initiatives that are •• were presented in the budget to us by way of reserve accounts and tax cuts have been preserved, something we have always believed in, whether •• working with any County Executive, this Legislature has always planned for our fiscal future and to make sure that we're on a solid fiscal foundation, and we're moving forward with that regard, too.

So we've restored many, many important programs in all the districts throughout Suffolk, and the people benefit from that as well, while continuing to provide tax relief. And, as you said, a very important component this year is adding that HEAP money. So it's a budget we could be proud of, and, hopefully, will do the trick in administering County government at levels it should be next year, and, again, providing that much needed tax relief to the residents of this County. So with that, there's a motion and a second. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

Mike? Hold on a second. Legislator Caracciolo, you're ••

LEG. CARACCIOLO:

Yeah, I'm in favor.

P.O. CARACAPPA:

Oh, he's in favor, okay.

MR. BARTON:

18.

P.O. CARACAPPA:

Thank you. Budget Amendment 2 is approved. Okay. ***Budget Amendment Number 3***, it's a stand•alone. This ***provides 3 million to fill***

existing police officer positions for the police class of 100 recruits to start September 2006. This cost is offset by reduction in the Retirement Reserve Fund and a reduction in terminal vacation and sick pay. There's a motion by Legislator Carpenter, second by Legislator O'Leary. Any discussion? All in favor?

LEG. MYSTAL:

Roll call.

P.O. CARACAPPA:

Roll call.

(Roll Called by Mr. Barton, Clerk)

D.P.O. CARPENTER:

Yes.

LEG. O'LEARY:

Yes.

LEG. COOPER:

No.

LEG. TONNA:

No.

LEG. BINDER:

Yes.

LEG. MYSTAL:

No.

LEG. BISHOP:

No.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

No.

LEG. LINDSAY:

No.

LEG. FOLEY:

No.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

No.

LEG. SCHNEIDERMAN:

Abstain.

LEG. CARACCILO:

Yes.

P.O. CARACAPPA:

Yeah.

MR. BARTON:

Nine.

LEG. SCHNEIDERMAN:

Henry, change mine to a yes.

LEG. FOLEY:

You can't, he called the vote.

MR. BARTON:

Ten.

LEG. FOLEY:

Did he call the vote?

P.O. CARACAPPA:

Yeah, the vote was called. You can make a motion to reconsider, if you'd like.

LEG. SCHNEIDERMAN:

All right.

MR. BARTON:

All right. So I miscalled it, it's nine.

P.O. CARACAPPA:

It's nine, right. It fails. There's a motion to reconsider Budget Amendment Number 3 by Legislator Schneiderman, second by Legislator O'Leary. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

Budget Amendment Three is before us again. There's a motion and a second. Same motion and second. Roll call again.

LEG. BISHOP:

On the motion.

P.O. CARACAPPA:

On the motion now, Legislator ••

LEG. BISHOP:

I just want to put on the record why some of us are opposing this. Those of us who are opposing this believe that while the cost next year might be bearable for County residents, the two-year cost of this initiative is significant enough that it would cause an increase in the Police District tax that would be unbearable for our residents, so we're opposing it.

LEG. CARACCILOLO:

Mr. Chairman.

LEG. BISHOP:

Plus we're •• we feel that the current level of police staffing has been effective, as borne out by the fact that crime has continued to decrease in Suffolk County.

P.O. CARACAPPA:

Thank you. Legislator Caracciolo.

LEG. CARACCILOLO:

Yes. For those who want to hide behind that curtain or that argument, it's a very shallow one. As I have said repeatedly throughout this year, I'll repeat it now, this County, financially speaking, is sitting on more than a quarter of a billion dollars in taxpayer surplus funds. There's more than enough money to pay for these new police officers, not only next year, but well beyond.

What we see is an administration that is stockpiling •• first of all, they're overtaxing the taxpayer. We concluded another year, '04, with 100 •• I believe it was about 116 million dollar fund balance. When you have fund balances that large, it indicates one thing, that right up front the taxpayers are paying more in taxes and you're winding up with more fund surplus. Add to that turnover savings, monies that this Legislature has budgeted year in and year out for personnel positions throughout the County budget that remain unfilled, that's another 20 to 25 million dollars. We've had a surplus in the EMHP account, and I can go on and on and on.

We're sitting on about 273 million dollars in County surplus funds. That is a

specious and bogus argument to make that we can't afford to provide the people of this County with the level of public service and public safety that they pay for, have paid for in advance, and they're not getting. Thank you.

P.O. CARACAPPA:

Thank you, Legislator Caracciolo. Everyone set? Roll call.

(Roll Called by Mr. Barton, Clerk)

D.P.O. CARPENTER:

Yes.

LEG. O'LEARY:

Yes.

LEG. COOPER:

No.

LEG. TONNA:

No.

LEG. BINDER:

Yes.

LEG. MYSTAL:

No.

LEG. BISHOP:

No.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

No.

LEG. LINDSAY:

No.

LEG. FOLEY:

No.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

No.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILOLO:

Yes.

P.O. CARACAPPA:

Yes.

MR. BARTON:

Ten.

P.O. CARACAPPA:

This time it's approved. We'll await that veto. This is •• Budget Amendment 4 is just the mandated companion resolution to 3, so it's the same motion, same second.

MR. BARTON:

Is this •• oh, I'm sorry.

P.O. CARACAPPA:

It's •• because the way we have done the budget this year with the new mandated as salaries •• explain the retirement costs.

MS. VIZZINI:

Now that retirement is mandated ••

P.O. CARACAPPA:

Right.

MS. VIZZINI:

•• any time you do anything having to do with positions, you need to have it
•• which is typically discretionary, you need to have a companion mandated resolution to provide the retirement for those positions. You'll see that a lot.

P.O. CARACAPPA:

All right. So same motion, same second, same vote.

LEG. CARACCILOLO:

No, change my vote. This is the treatment of retirement expenses as a mandated expense. No, I can't support that.

P.O. CARACAPPA:

Roll call.

(Roll Called by Mr. Barton, Clerk)

D.P.O. CARPENTER:

Yes.

LEG. O'LEARY:

Yes.

LEG. CARACCILOLO:

No.

LEG. SCHNEIDERMAN:

Abstain.

LEG. VILORIA • FISHER:

No.

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

No.

LEG. LINDSAY:

No.

LEG. MONTANO:

No.

LEG. ALDEN:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

No.

LEG. MYSTAL:

No.

LEG. BINDER:

Yes.

LEG. TONNA:

No.

LEG. COOPER:

No.

P.O. CARACAPPA:

Yes.

MR. BARTON:

Eight.

P.O. CARACAPPA:

Eight. Okay, that fails. We'll hire the cops, as Legislator Lindsay says, but they won't have any pension.

LEG. SCHNEIDERMAN:

I mean, let's be serious. We know this is going to be vetoed anyway, so it •

P.O. CARACAPPA:

Right.

D.P.O. CARPENTER:

Don't explain.

LEG. SCHNEIDERMAN:

We're going through an exercise here, you know.

P.O. CARACAPPA:

Okay. Moving on. Budget Amendment 5 is conflicted. Budget Amendment Number 6 is conflicted with 2 and 8. Budget Amendment Number 7 is also conflicted with 5, so ••

LEG. BISHOP:

It's good to go.

MS. VIZZINI:

No, you can vote on 7.

P.O. CARACAPPA:

Okay, we could vote on 7? Okay, this •• okay. This is ***transferring 63 positions in Fund 477 to General Fund.*** We had transferred these positions earlier in the year to •• 477 is paying for these positions now. This would transfer them back to General Fund. On the motion •• motion by Legislator Losquadro, second by Legislator Bishop?

LEG. BISHOP:

Yeah, but ••

P.O. CARACAPPA:

On the motion, Legislator Bishop.

LEG. BISHOP:

For the purpose of discussion. I'm actually going to vote against this motion, my own •• my own motion. I believe in what this attempts to achieve, and I think it should have been included in omnibus. Unfortunately, it was not included in omnibus. There was not a consensus on the committee to include it. But I think that it deserves debate. And as we •• as this Legislature moves forward, this is an important issue to address.

The 477 Account was created to supplement our environmental initiatives, and there's a particular emphasis on water quality restoration programs. There now is more demand than supply. Legislators are coming forward with more and more projects, and that account is being eaten into by the fact that personnel for those initiatives is being funded out of 477.

When you think about Open Space as •• Program, we don't fund the personnel to maintain that program out of the quarter cent tax, yet when it comes to water quality, we're doing that, and I think that that's wrong. However, the omnibus is a multi •• to be read properly, is a multi•year document, and if we amend omnibus now, we increase the likelihood of tax increases in 2007, which I'm against it. Therefore, I'm going to withdraw

my support for this. But I think that next year the budget•makers ought to take care of this, especially if there's an Omnibus Committee.

P.O. CARACAPPA:

Okay. So you withdraw your second on that.

LEG. KENNEDY:

Mr. Chair.

LEG. BISHOP:

Well, I'll second for ••

P.O. CARACAPPA:

Legislator Kennedy, you want to be the second?

LEG. KENNEDY:

No. I have a question on the motion.

P.O. CARACAPPA:

I'll second it for the purposes of at least taking a vote. Legislator Kennedy, go ahead.

LEG. KENNEDY:

I guess this question is to Ms. Vizzini. Can you just •• can you explain with Budget Amendment 7 versus Budget Amendment 5, am I to take it that this is an additional 63 positions beyond this ••

MS. VIZZINI:

No. The difference between the 65 positions and the 63 positions?

LEG. KENNEDY:

Yes.

MS. VIZZINI:

Okay. The first one conflicted with omnibus, because in the 2006 budget, there are two new positions recommended to be funded with 477 funding. The Omnibus Working Committee wanted to •• what we did in omnibus was

we transferred those two new ones to the General Fund. So omnibus does make a statement, that there should be no more new positions funded with Water Quality monies.

LEG. BISHOP:

Right.

LEG. KENNEDY:

But the existing 63 not newly created continue to remain as funded out of 477 in '06?

MS. VIZZINI:

That's correct, yes.

LEG. KENNEDY:

Okay.

LEG. CARACCILOLO:

Question.

P.O. CARACAPPA:

Legislator Alden, then Danny, then Legislator Caracciolo, then Lindsay.

LEG. ALDEN:

Hi, Gail. 477 right now, if this were •• not this amendment, but without this amendment, how much money is being spent out of the 477 Account for salaries, approximately?

MS. VIZZINI:

At least three •• three•and•a•half million dollars.

LEG. ALDEN:

And how much money, approximately, goes into the 477 Account?

LEG. BISHOP:

About 7 million a year.

MS. VIZZINI:

On the new basis, 7 million dollars coming in new, new for each year.

LEG. ALDEN:

Okay. So about half right now is going to •• if this isn't amended, then about half would go to salaries.

MS. VIZZINI:

Correct.

LEG. ALDEN:

Does that include the retirement and those type of benefits?

LEG. BISHOP:

Yes.

MS. VIZZINI:

Yes.

LEG. ALDEN:

So we're funding the retirements for these people out of the 477 Account.

MS. VIZZINI:

Health insurance, retirement, associated fringe benefits, yes.

LEG. ALDEN:

All right. So ••

LEG. BISHOP:

Is that true, even after we consider it a mandated expense?

LEG. ALDEN:

Yeah. 477 is not on each side. So, all right, I'm going to agree a little bit with Dave Bishop, but I'm going to disagree to this effect. I think that we should modify this and get back to what we originally started with the 477 Account, and that was trying to do bricks and mortar things, so that we would protect our waters, whether they be streams, or water bodies, or the

groundwater. And I believe we can do it this year and it's not going to translate into a tax increase in future years. I think that we should have just left that revenue stream for what it was originally intended and what the people in Suffolk County voted on.

P.O. CARACAPPA:

Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. And this is a discussion that has been had many times in the Environment Committee. It's a discussion that we had at length in the Budget Work Group. And while I was very happy to see that we did, as the Budget Director said, make a statement that we do not want to see any new positions funded out of 477, I have been steadfast in my belief that I do not think that salaries should be coming out of 477. This is a dedicated fund that the voters had the opportunity to cast a ballot for, and I think the intention here was clear. I mean, speaking with one of the gentlemen who penned this resolution, Legislator Alden, the intention here is clear, this should be for projects and it should not be for salaries, and my support for this amendment remains strong.

P.O. CARACAPPA:

Legislator Caracciolo.

LEG. CARACCIOLO:

Yes, thank you. Legislator Bishop appropriately identified what the problem here is. I seem to recall, and, Gail, help recall my memory on this, when the individuals in the Labor Department were transferred to DPW earlier, was it this year or last year?

MS. VIZZINI:

2005.

LEG. CARACCIOLO:

Right, this year. There was a commitment. In fact, Mr. Zwirn is on the record as stating to a question that I raised that this would not be a one •time measure. These individuals were needed, and we'd make that

transfer, and the funding would be in place for '05 to do that. But in subsequent years, they would be included in the County's Operating Budget. I was clearly under the impression as regular personnel assigned tasks within DPW that were related to water quality restoration efforts, not to be undermined by now finding out that we want to continue to keep them there, but we want to tap into the Water Quality Reserve Fund to do that. That's not what that fund was established for. In fact, going back over a period of two or three years preceding this year, there have been long and vociferous arguments by Republicans and Democrats around this horseshoe alike with regard to Mr. Gaffney's attempts to do that very thing.

So, once again, we're seeing a departure from Legislative practice, policy. Why? Well, for political reasons, that's why. And that's unfortunate, because it's going to undermine this program, and it's going to undermine the very effort that this quality fund •• this Water Quality Fund was established for, and that's truly unfortunate. I will not support this resolution.

P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

Yeah. I'm going to take the opposite point of view than the previous speakers. We talk about 477 being used for bricks and mortars, for water quality. All we're really saying is a lot of that bricks and mortars money go to people that earn a salary, but they don't work for the County, they work for outside agencies. So what we're saying is it's okay to spend that money to hire outside agencies, but it isn't all right for County employees to do the same work. And to me, I think that argument is flawed. I would much rather see our employees doing the work for the citizens of Suffolk County rather than outside agencies.

P.O. CARACAPPA:

Legislator Losquadro, Alden, then Caracciolo again.

LEG. LOSQUADRO:

Thank you, Legislator Lindsay, but we're not saying that these individuals should not be working for the County. In fact, we're just saying that they should be in a regular line on the budget and not allow Water Quality Protection Fund to be used as a slush fund. And I'd just ask my colleagues not to allow 477 to become a slush fund. I do not think it is appropriate, I do not think it is setting the right example, and quite frankly, I do not honestly believe that it lives up to the original intention of the legislation as to how this money should be spent. So I ask my colleagues, since this is a budget meeting, let's budget appropriately. Let's not use a recurring revenue source that voters put up on referendum and use that as a slush fund.

P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

Just for point of clarity, included in the legislation that created this 477 Account, there was another component to it that actually put money, and Budget Review can maybe tell me how much, it's 17, 23 million dollars a year goes into the General Fund?

MS. VIZZINI:

It's approximately 21 million dollars goes for property tax relief.

LEG. ALDEN:

So under the same enabling legislation that people got to vote on, we created a component that should have paid for the salaries if we wanted to put people to work. So there already exists, and now this, I feel, and it's to repeat myself one more time, it just •• I feel that this was for bricks and mortars type of projects.

P.O. CARACAPPA:

Legislator Caracciolo.

LEG. CARACCILOLO:

Let me just echo remarks made by Legislator Losquadro. He succinctly stated what's relevant in this debate, and that is no one •• I have not heard

anyone around this horseshoe argue that we should not have County employees perform functions like this. What we are arguing is that you appropriately fund those positions in the County's Operating Budget, General Fund Operating Budget.

But I have question for Counsel, because I see the previous Counsel in the audience. And what is your interpretation of the 477 Account and how those funds may or may not be used for personal expense?

MS. KNAPP:

My office and the Budget Review Office issued a joint memorandum on this subject when the proposal was first made on the Labor Department employees. The Charter clearly says that these monies can be used for operating purposes, as well as the bricks and mortar that Legislator Alden refers to.

I think the concerns that were expressed in that memo and I think by Legislators were that the program was never intended to be used exclusively for personnel costs, and I think that what's happening now is that there is virtually no money to continue the main purpose of the Water Quality Program, and that is to develop innovative methods to continue to keep the water clean, and that the operating costs, to the extent that they are so heavily laden with personnel costs, are not furthering that objective. So we've moved very far away from the original purpose of the voter•approved legislation.

LEG. CARACCILO:

Which, again, I think for those of us who are still in the room, underscores another issue and another reason why we should not permit this to go forward. Thank you.

P.O. CARACAPPA:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. I would also say, based on the comments of my colleagues, that for me, personally, the issue with 477 is the ability to go

ahead and focus upon the various remediation projects that should be finite in their degree, where there is ongoing need for maintenance and replacement for storm drains, and things such as that, there is a fixed cost that we can associate with that. And, certainly, we need personnel to go ahead and administer these things. But I think it really gets down to something that many of us have talked about at great length, which is transparency of budgeting.

I guess I'd ask BRO, do we have anyplace else, as far as our County budgeting •• our County budget goes, where we fund County personnel to such an extent, in essence, almost off general Operating Budget out of some kind of subset or segment? To my mind, we have this no place else; is that correct?

MS. VIZZINI:

Well, the Water Quality funds are unique. They are •• the source is sales tax. They are dedicated to certain things. So this is somewhat of an exception.

LEG. KENNEDY:

It's a very specific piece of our sales tax, though, that was authorized through referendum, that quarter cent, for a very succinct and defined process, unlike the balance of sales tax that we use for funding of the General Operating Budget, which, in essence, is fungible money and which goes into the general operations of the Operating Budget, out of which we do all our personnel costs; correct?

MS. VIZZINI:

Pretty much, yes.

LEG. KENNEDY:

Fine. So we see this no place else, pretty much across the board. When it comes to addressing County personnel, cost, salary, health retirement, and everything else, we're looking out of the general operating fund.

MS. VIZZINI:

The closest thing that we see is the hotel/motel monies in economic development, parks, but they are not used for permanent positions. A form of sales tax in a separate •• for a separate purpose ••

LEG. KENNEDY:

Which again goes to things such as downtown revitalization ••

MS. VIZZINI:

Right.

LEG. KENNEDY:

•• some advertising, associated promotion of our tourism on the East End, not necessarily things like salary, retirement, health insurance, all the things we associate with personnel.

MS. VIZZINI:

Correct.

P.O. CARACAPPA:

Anyone else? Would all Legislators please report to the horseshoe. Motion and a second. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. LOSQUADRO:

Yes.

P.O. CARACAPPA:

Yeah.

LEG. CARACCILOLO:

I'm sorry?

MR. BARTON:

Legislator Caracciolo.

LEG. CARACCILOLO:

Is this on Budget Amendment 7?

LEG. SCHNEIDERMAN:

The 477.

MR. BARTON:

Budget Amendment 7, yes.

LEG. CARACCILO:

I'm going to pass for a minute.

LEG. SCHNEIDERMAN:

I'm going to vote no on this.

LEG. O'LEARY:

Yes.

LEG. VILORIA • FISHER:

No.

LEG. FOLEY:

No.

LEG. LINDSAY:

No.

LEG. MONTANO:

No.

LEG. ALDEN:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Abstain.

LEG. MYSTAL:

No.

LEG. BINDER:

Yes.

LEG. TONNA:

No.

LEG. COOPER:

No.

D.P.O. CARPENTER:

Yes.

LEG. CARACCILO:

Yes.

MR. BARTON:

Nine.

P.O. CARACAPPA:

All right. That fails. So there's no need to do 8, right? It's moot?

LEG. BISHOP:

No, 8 only conflicts with 7.

P.O. CARACAPPA:

All right. In this •• in this instance, we could just give •• we could just give ••

D.P.O. CARPENTER:

You can offset the Police.

P.O. CARACAPPA:

Right, we could give this to the Police.

D.P.O. CARPENTER:

There you go.

P.O. CARACAPPA:

Okay. ***Number 9. This would provide \$150,581 for salary and fringe benefits for five new labor positions in Parks.*** This is •• the cost is offset ••

D.P.O. CARPENTER:

I'll make a motion.

P.O. CARACAPPA:

•• by catastrophic medical claims.

LEG. BISHOP:

Is this for affordable housing, Angie?

D.P.O. CARPENTER:

No, this was •• this was something recommended actually by the Budget Review Office. These are labor positions in Parks. And as we continue to acquire more open space and try to provide services and maintain our parks for our residents, I think this was a very noteworthy recommendation on the part of BRO, and, hopefully, we'll have the support for it. The cost is offset, as the resolution says, by the reduction in the reserve for the catastrophic medical claims. I'll make that motion.

P.O. CARACAPPA:

There's a motion by Legislator Carpenter, second by Legislator Binder. Also, keep in mind, our Parks Department now maintains our historic structures as well, and they're doing a very good job with very short staff and they could use the extra help. There's a motion and a second. All in favor? Opposed?

LEG. MYSTAL:

Roll call.

P.O. CARACAPPA:

Roll call is required.

LEG. BISHOP:

You don't need a roll call, just ••

(Roll Called by Mr. Barton, Clerk)

D.P.O. CARPENTER:

Yes.

LEG. BINDER:

Yes.

LEG. CARACCILO:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. O'LEARY:

Yes.

LEG. VILORIA • FISHER:

No.

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

No.

LEG. LINDSAY:

No.

LEG. MONTANO:

No.

LEG. ALDEN:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

No.

LEG. MYSTAL:

No.

LEG. TONNA:

No.

LEG. COOPER:

No.

P.O. CARACAPPA:

Yeah.

MR. BARTON:

Ten.

P.O. CARACAPPA:

It's approved. Now **10 is the companion resolution as it relates to the mandated side.** Same motion, same second. Roll call.

(Roll Called by Mr. Barton, Clerk)

D.P.O. CARPENTER:

Yes. I'm sorry.

LEG. BINDER:

Yes.

LEG. CARACCILO:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. O'LEARY:

Yes.

LEG. VILORIA • FISHER:

No.

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

No.

LEG. LINDSAY:

No.

LEG. MONTANO:

No.

LEG. ALDEN:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

No.

LEG. MYSTAL:

No.

LEG. TONNA:

No.

LEG. COOPER:

No.

P.O. CARACAPPA:

Yes.

MR. BARTON:

Ten.

P.O. CARACAPPA:

All right. That's passed. Moving on. **11.**

LEG. CARACCILOLO:

Motion.

P.O. CARACAPPA:

There's a motion by Legislator Schneiderman, second by Legislator Caracciolo. ***What this does is provide \$50,000 in 2006 for FRES to purchase satellite phones for distribution to municipalities. This is offset by catastrophic medical claims.***

LEG. SCHNEIDERMAN:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I'd like to explain it. For those of you who are •• well, I guess we're all familiar with what happened with Hurricane Katrina and the loss of not only regular phones, but also cell phones were all down. The satellite phones you don't lose. You know, they're self-powered and they're connected to a satellite, not to a cell tower. Fifty thousand dollars would just provide the equipment. Various towns, school districts could then apply to get one of these phones. They would have to pay the service charge.

Look, I understand what's happening here, and, you know, maybe we'll have enough votes to pass it. If there's not enough votes to override it, I ask you not even to pass it and not waste the County Executive's time on this. So, if there's enough to get the 12, fine.

LEG. BISHOP:

There's not.

LEG. SCHNEIDERMAN:

If not ••

LEG. BISHOP:

There's not, so withdraw it.

LEG. SCHNEIDERMAN:

But I do encourage everybody to look at this, because I think this is a •• I think this is a good initiative, and, you know, when the politics in this are over, I think that somebody should come forth and we should see this happen as kind of a bipartisan effort, because it is needed.

P.O. CARACAPPA:

Legislator Caracciolo.

LEG. CARACCILOLO:

Yes. I have a question for Mr. Zwirn. I'm glad you came up, Ben. It's my

understanding, from talking with Commissioner Williams, that there is an effort underway to requisition and purchase additional satellite phones. Can you speak to that?

MR. ZWIRN:

Yes. Joe?

P.O. CARACAPPA:

Go right ahead.

MR. ZWIRN:

The Commissioner has told us that the towns already going to get satellite phones from a grant that was received by FRES, and that if the Towns themselves apply for grants, they will be able to get •• there will be money available for them to get this on their own. But there are going to be distributed •• there are going to be phones distributed to all the Towns with grant money that's already been •• it's already happened.

LEG. CARACCILOLO:

Do you know how many satellite phones we have within the County inventory?

MR. ZWIRN:

No, I don't know.

LEG. CARACCILOLO:

Mr. Chairman, we have two, two for a population of almost one•and•a•half million people. And as Legislator Schneiderman and all of us should take seriously, as he pointed out and we should take seriously, one of the major shortfalls that transpired after Hurricane Katrina struck New Orleans, despite the fact that there was this massive flooding, was the fact that First Responders could not communicate with residents, could not communicate with each other because of the massive communications failure.

This County, as we meet today, is in a very similar situation. This resolution should be taken seriously and should receive unanimous support. I would encourage you to do that.

I spent a lot of time in August and September with Commissioner Williams, and I have correspondence, unfortunately, I didn't bring it with me today, but I'll be happy to copy everybody, follow•up questions I've provided to FRES and their response. And while the Commissioner pointed out that additional satellite funds are on their way, I am not aware, and that's why I raised the question with Mr. Zwirn, that we're actually in the process of acquiring any additional equipment. We need it. There's no time to waste. Now we can say that the Feds will come in and provide us with equipment. But for a County of our size, we need more than two satellite phones.

P.O. CARACAPPA:

Legislator Nowick.

LEG. NOWICK:

Yeah. I have to agree with Legislator Caracciolo. We spend money on so many different things. This is a question of public safety. And if you recall, not only a hurricane, but 9/11, nobody could get in touch •• there was no communication. Cell phones didn't work, nothing worked. And if we cannot provide our public safety people with the devices to get in touch with who they have to, shame on us. This is what we do, we're supposed to be protecting our public. This is something that I believe is very important, and I'm going to vote in favor of this.

P.O. CARACAPPA:

There's a motion and a second.

LEG. SCHNEIDERMAN:

I'm going to ask for a roll call.

P.O. CARACAPPA:

Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. SCHNEIDERMAN:

I'm going to pass.

LEG. CARACCIOLO:

Yes.

LEG. O'LEARY:

Yes.

LEG. VILORIA • FISHER:

No.

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

No.

LEG. LINDSAY:

No.

LEG. MONTANO:

No.

LEG. ALDEN:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

No.

LEG. MYSTAL:

No.

LEG. BINDER:

Yes.

LEG. TONNA:

No.

LEG. COOPER:

Nope.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

LEG. SCHNEIDERMAN:

All right, I'll support it.

MR. BARTON:

Ten.

P.O. CARACAPPA:

It's approved. Moving on to Budget Amendment Number 10 •• **12**, rather. I'm sorry. ***It provides \$40,000 in 2006 for Environmental Health for water testing in the area of Northwest Creek in East Hampton. This is also offset by catastrophic medical claims reserve fund.*** Motion by Legislator Schneiderman, second by Legislator Caracciolo. Roll call.

MR. BARTON:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Look, it's not •• it's going to get •• I'm tired of just sending bills up to be vetoes, so I'm going to attack my own bill here. I'm going to vote against my own bill.

P.O. CARACAPPA:

Just withdraw it.

LEG. SCHNEIDERMAN:

So I'll just withdraw it. All right?

P.O. CARACAPPA:

Moving on. 13.

LEG. SCHNEIDERMAN:

I'm going to withdraw that as well.

P.O. CARACAPPA:

Withdrawn. 14.

LEG. SCHNEIDERMAN:

Withdraw it.

P.O. CARACAPPA:

15.

LEG. SCHNEIDERMAN:

I want to speak on this one.

P.O. CARACAPPA:

You want to ••

LEG. SCHNEIDERMAN:

I'll make a motion to accept.

P.O. CARACAPPA:

Make a motion by Legislator Schneiderman, second by Legislator Caracciolo.

LEG. SCHNEIDERMAN:

We've got a real problem on the East End with public transportation, folks. The blue bus, S92 is getting used very heavily, and we're having a lot of

people who were missing the last bus and are even sleeping in the woods. We have a real problem.

I really urge you to support this so we can get an extra bus route. A lot of our working people on the East End work on Sundays. There's no bus traffic. It is a seasonal community. The weekends are the busiest times and we don't have a bus run and we really need it.

And, you know, again, you know, I understand the fate of this, it's going to get vetoed and sent back, we won't be able to override it. I'm going to ask the County Executive to respond to this situation by getting the funding in place for that bus. We can go through the exercise on this, because I think it's very critical. Some of the other ones that I just tabled, I think there are other mechanisms to fund later on in the year, but this one I would like to see moved and at least send a message that we are in, you know, a desperate situation in terms of public transportation out there and ask for their support.

P.O. CARACAPPA:

Legislator Foley.

LEG. VILORIA • FISHER:

Joe.

LEG. FOLEY:

Thank you, Mr. Chairman. The issue of Sunday transportation for mass transit has been something that has been around this Legislature for a number of years. There have been studies that have been commissioned by prior administrations. I think before we move forward with any single resolution for a particular bus line, I think it would be well worth the time in the Legislature next year to review some of the prior reports on the issue, and also, if need be, to update it.

One of the real problems that we have without having Sunday service is the fact that the STOA aid, which is the State Transportation Operating Aid, has been steadily reduced over a period of years from the State to our County. Now, our neighboring county, Nassau, for whatever reason, has had a

substantial increase in STOA aid over the past five years. Budget Review Office has all the facts and figures, where I think it's close to about 12 to •• anywhere from 12 to 15 million dollar increase in STOA aid to Nassau County, whereas we've had a sharp decrease in the corresponding period of time.

So, if we wish to have Sunday service for our bus patrons, which many of us agree should be done, not just in one particular geographic area of the County, but throughout our County, particularly in Brookhaven Town, what we need to do is to have a •• is to have a study that will look at this holistically, number one, and do it early in the year, so we can prevail upon our State Legislators, as well as the Governor's Office, to look at the whole issue of the unfair distribution of STOA aid as it relates to Nassau and Suffolk Counties. Thank you.

P.O. CARACAPPA:

Legislator Vilorio•Fisher.

LEG. VILORIA•FISHER:

Thank you, Mr. Chair. I would just like to echo some of the points made by Legislator Foley. And I would like to add to that that we do have to take more of a systemic approach to issues of public transportation.

As our population increases, our roads become more congested. We are facing greater environmental concerns and social concerns, where we have workers who are not able to find work because they can't travel to their destinations if they don't have a car. We need to revamp our system, take our Public Transportation Task Force very seriously, the Advisory that we have work with them and look at a systemic way to address these various issues in public transportation.

And I support this, but not as a stand•alone added onto a budget. We have to look at the entire transportation system and face it in that regard. And I know that there are great challenges on the East End. When I rode the bus, there were people that had been on the bus for three hours by the time they to the West End from the East End. And it's a very serious issue and we have to treat it systemically.

LEG. SCHNEIDERMAN:

Joe, just very briefly.

P.O. CARACAPPA:

Do you want to respond to that?

LEG. SCHNEIDERMAN:

Yes.

P.O. CARACAPPA:

Then Legislator Carpenter, and then Kennedy.

LEG. SCHNEIDERMAN:

Okay. Oh, I'm responding? Okay. Just very briefly, as you know, the price of housing on the East End, it's just so out of line with the workforce that we are now so dependent upon workforce commuting in. And studies are fine, but they take a long time, and we need to respond to an immediate crisis.

So I will, again, ask you for support. I realize that it won't be there, but I'm hoping in, you know, the months ahead that we are able to respond to this crisis, because there's not a •• we need an earlier route, we need a later route, and we need a Sunday route, and we need it now.

P.O. CARACAPPA:

Legislator Carpenter.

D.P.O. CARPENTER:

Thank you. I'm really sorry that this did not •• this discussion didn't come up during the working group for the omnibus, because I think this really warrants support, just as the bus route that was added in the Stony Brook area. I think, as the demographics of this County are constantly changing, as the cost of fuel, even though it's moderated a little bit, is still very, very expensive, we need to do things to encourage public transportation. And, certainly, on the East End, when it's that much more difficult to get around, I really think that this warrants support, and I have a feeling this might be

something that the County Executive would be supportive of. So I would hope that everyone would move forward with it.

P.O. CARACAPPA:

Legislator Kennedy.

LEG. KENNEDY:

I'm going to agree with Legislator Carpenter and with the sponsor, Legislator Schneiderman.

Also, during the time that we had the budget hearings, as many of us heard from Mr. Shinnick out of DPW, there is a federal study that is going to be undertaken during the course of next year to go ahead and view the whole transit system here in Suffolk County.

However, I think, as some of my colleagues have pointed out, we have the spike in gas now. We have the inability for many people to go ahead and afford to actually own or use a vehicle at this point now. Nevertheless, they're attempting to go ahead and go to work. So I think that the money at this point is prudent in order to go ahead and enable them, give them that opportunity, and not disenfranchise them and impact us on the other side, where we have to provide various social services. I'm going to support it.

LEG. SCHNEIDERMAN:

And once again, we have people who are sleeping in the woods, honest to God, who are missing that last bus because it comes much too early. And it's really a situation that must be addressed immediately.

LEG. BISHOP:

Roll call.

P.O. CARACAPPA:

Okay? We're all set? Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Yes.

LEG. O'LEARY:

Pass.

LEG. VILORIA • FISHER:

No.

LEG. LOSQUADRO:

Abstain.

LEG. FOLEY:

No.

LEG. LINDSAY:

No.

LEG. MONTANO:

No.

LEG. ALDEN:

Abstain.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

No.

LEG. MYSTAL:

No.

LEG. BINDER:

Yes.

LEG. TONNA:

No.

LEG. COOPER:

No.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

MR. BARTON:

Eight.

P.O. CARACAPPA:

It fails. ***Budget Amendment 16 (Provides \$12,730 in 2006 for home health nurses and home health aides in Health Services. The cost is offset by a reduction to the reserve for catastrophic medical claims).*** What do you want to do with this, Legislator Schneiderman?

LEG. BISHOP:

Twelve thousand dollars.

LEG. SCHNEIDERMAN:

It's only \$12,730 for a contract with Home Health Nurses, a very important service. How could you possibly say no to this?

LEG. BISHOP:

Watch.

P.O. CARACAPPA:

There's a motion by Legislator Schneiderman, then, second by Legislator O'Leary. Roll call.

LEG. BISHOP:

Must we roll it, can't we just hand it?

(Roll Called by Mr. Barton, Clerk)

LEG. SCHNEIDERMAN:

Yes.

LEG. O'LEARY:

Yes.

LEG. CARACCILO:

Yes.

LEG. VILORIA • FISHER:

No.

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

No.

LEG. MONTANO:

No.

LEG. ALDEN:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

No.

LEG. MYSTAL:

No.

LEG. BINDER:

Yes.

LEG. TONNA:

No.

LEG. COOPER:

No.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

MR. BARTON:

11.

P.O. CARACAPPA:

It's approved. **17.** Motion by Legislator Schneiderman, second by Legislator Caracciolo. ***It provides \$24,204 in 2006 for Peconic Community Council (Inc. The cost is offset by a reduction to the reserve for catastrophic medical claims).***

LEG. NOWICK:

What is this for?

P.O. CARACAPPA:

There's a motion and I second. I'll just do all in favor? Opposed?

LEG. ALDEN:

What's it for?

[Opposed Said in Unison by Legislators]

P.O. CARACAPPA:

Suffolk Community Council •• it's the Peconic Community Council.

LEG. TONNA:

Roll call.

LEG. ALDEN:

What purpose?

LEG. TONNA:

Roll call.

P.O. CARACAPPA:

They're a contract agency. Roll call.

MR. BARTON:

Okay. Could I just remind the Legislators to use the microphones? We're having a hard time hearing you. Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I'm going to •• I'm going to withdraw my support. I'll withdraw on this one. Do you want to still keep it in there?

LEG. CARACCILOLO:

Yes.

MR. BARTON:

The amendment's withdrawn.

P.O. CARACAPPA:

Withdrawn. 18.

LEG. SCHNEIDERMAN:

No. Mike's a cosponsor, he's still keeping it.

LEG. CARACCILOLO:

Yeah. I'm not withdrawing it.

P.O. CARACAPPA:

Okay. So is there a second? Legislator Caracciolo makes the motion, then. Legislator •• is there a second? It fails for lack of a second.

LEG. CARACCILOLO:

Fine.

P.O. CARACAPPA:

18. There's a motion by Legislator Alden. Is there a second?

LEG. LOSQUADRO:

I'll second that.

P.O. CARACAPPA:

Second by Legislator Losquadro. ***This provides an additional 3 million in 2006 for the Self Insurance Fund ••***

LEG. ALDEN:

Just on the motion.

P.O. CARACAPPA:

•• for anticipated medical malpractice settlements to avoid debt service to bonding settlements. On the motion, Legislator Alden.

LEG. ALDEN:

It's pretty much a fact that we're going to have settlements that come before us next year. And, basically, what we're looking at here is to pay for those in cash or establish a reserve, similarly, as •• or similar to the practice that an insurance company would use. And what we don't do in the County is act like an insurance company, yet on certain instances we do, because we're self•insured. So we have no reserve fund right now for this type of settlement. This would make sure that there's cash there when they do come forward. And I believe it's prudent. It will end up saving the County some money.

P.O. CARACAPPA:

There's a motion and a second. Oh, Legislator Losquadro.

LEG. LOSQUADRO:

I just want to reiterate some of those comments, and just point out, as Legislator Alden eluded to, the savings in the debt service here will be significant, so I do concur that this is a prudent budget action.

P.O. CARACAPPA:

All right? Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. ALDEN:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACCILOLO:

Yes.

LEG. SCHNEIDERMAN:

Pass.

LEG. O'LEARY:

Yes.

LEG. VILORIA • FISHER:

No.

LEG. FOLEY:

No.

LEG. LINDSAY:

No.

LEG. MONTANO:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

No.

LEG. MYSTAL:

No.

LEG. BINDER:

Yes.

LEG. TONNA:

No.

LEG. COOPER:

No.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Sure.

LEG. SCHNEIDERMAN:

No.

MR. BARTON:

Nine.

P.O. CARACAPPA:

That fails. ***Budget Amendment 19 (Provides \$63,176 in Fund 115 for the purchase of 298 school crossing guard coats. The cost is offset by a reduction to rent appropriation for the Highway Patrol facility).***

Motion by Legislator Carpenter, second by Legislator O'Leary.

D.P.O. CARPENTER:

Can I speak on this?

P.O. CARACAPPA:

Of course.

D.P.O. CARPENTER:

Unfortunately, the information on this came to light after we had completed the omnibus, but the school crossing guards are in desperate need of coats. And we've been working on this for quite a number of months back and forth, and eventually they said they were going to go forward and order 50 coats. Unfortunately, we have over 350 crossing guards. So I thought that it would be prudent to move forward with this. And if we can do it now and appropriate it in the first part of the year, hopefully, they will have the coats for the winter season.

LEG. BISHOP:

Can I •• may I ask a question?

D.P.O. CARPENTER:

Sure.

LEG. BISHOP:

Mr. Zwirn. Is there sufficient money to provide adequate coats to crossing guards in the budget? And if not, why not accept this amendment?

MR. ZWIRN:

I don't know offhand on the offset. I don't know if we know what the rent •• I don't know offhand what the rent is for the Highway Patrol. The offset that was being used, that there's going to be ••

LEG. BISHOP:

Well, did the Budget Office of the County Executive review the resolutions?

MR. ZWIRN:

No. We're reviewing •• we received this packet just the other day, so they're going through everything. But on the stand•alones, they were concerned about all the money that was being added to the ••

LEG. BISHOP:

I know that. But, I mean, perhaps •• perhaps the •• this one is prudent. I mean, who is making that judgment is what I'm asking?

MR. ZWIRN:

I think that it was something that was not taken up in the omnibus. Some of the items that we were objecting to in the stand•alones were •• clearly, we thought were member items and were better addressed there. This one, I can't say that would be a member item ••

D.P.O. CARPENTER:

Can I respond.

MR. ZWIRN:

•• but I don't know.

LEG. BISHOP:

You know ••

MR. ZWIRN:

It's something we're not aware of.

D.P.O. CARPENTER:

Could I respond?

LEG. BISHOP:

I think what I'm going to do ••

D.P.O. CARPENTER:

Can I respond.

LEG. BISHOP:

•• at the risk of upsetting some of my •• I'm going to vote for this one, and if it's vetoed with an explanation that's adequate, I'll sustain the veto.

D.P.O. CARPENTER:

I appreciate that, Legislator Bishop. If I could, through the Chair. I think that Mr. Zwirn seems sincere. If they're not •• you know, if there's a question about the offsets, certainly, they can veto it. So I appreciate your support, and, hopefully, we'll all move forward with this. And if the offset is not appropriate, maybe we can find another one in the interim.

LEG. KENNEDY:

Mr. Chair.

P.O. CARACAPPA:

Legislator Kennedy.

LEG. KENNEDY:

I have a question just to either to the sponsor and/or to Mr. Zwirn. Who actually winds up administering this? The uniforms are dispensed by whom, coats by whom? Is this through the P.D., or where does it come from?

D.P.O. CARPENTER:

There are people that supervise the crossing guard units and I guess they

have a quartermaster that distributes the equipment to them. And I know they work very closely with AME.

LEG. KENNEDY:

But ••

LEG. CARPENTER:

Right? I see Cheryl in the back nodding her head.

LEG. KENNEDY:

Thank you, Madam Sponsor. But, I mean, the County department is whom, is the ••

MS. VIZZINI:

Police Department.

LEG. KENNEDY:

Police Department?

D.P.O. CARPENTER:

Yes, it's the Police Department.

LEG. KENNEDY:

And the analysts from the Police Department have not been able to say at this point whether or not this is •• there's legitimate budgeting for the offset?

MR. ZWIRN:

Legislator Kennedy, I don't know if a request was made when the County Executive put together his budget for ••

D.P.O. CARPENTER:

No, it came after it. If I could respond again. Not only was it after we had worked on the omnibus, but certainly well after the County Executive's budget request. And I'm sure if we had had that information, then he may have very well included it in his budget. So it kind of is after the fact.

MR. ZWIRN:

Well, that answers part of Legislator Bishop's question. There was no request made to the County Executive's Budget Office to include the money for any particular coats.

LEG. BISHOP:

You know ••

D.P.O. CARPENTER:

If I could ••

LEG. BISHOP:

I assume you don't want me to vote for this, right, correct?

MR. ZWIRN:

Pardon me?

LEG. BISHOP:

You're counseling me to vote against this as the •• and I will vote against it if you will stand there and make the representation that the County Executive will ensure that adequate coats will be supplied to the crossing guards.

MR. ZWIRN:

I just think that •• they're going to check in the budget. Allen ••

MR. KOVESDY:

We're checking.

LEG. BISHOP:

That's not a good enough answer, they're going to check.

MR. ZWIRN:

We're checking right now. So, if there is ••

D.P.O. CARPENTER:

If I could. Legislator Bishop, do you mind? If I could just say that it ••

initially, it was understood that they were going to order all of the coats necessary, but they were only moving forward with 50 coats. When everything was •• the process finally got started and they finally agreed that the coats that the crossing guards had were really inadequate for winter weather for these people standing out there in the elements, that we needed to get new coats. However, the request was only for 50 coats, the purchase order is only for 50 coats. So this would ensure that every crossing guard has the coats and it just doesn't go to the first 50 that get there.

P.O. CARACAPPA:

Legislator Nowick.

LEG. NOWICK:

Yeah. You know what, this is ridiculous. I have to say this is ridiculous. We're talking about a safety issue for crossing guards ••

LEG. BISHOP:

Sure, you're wearing your coat.

LEG. NOWICK:

That cross the •• this is for schools, for the areas for schools, right?

D.P.O. CARPENTER:

Right.

LEG. NOWICK:

This is for their safety, so they're recognized as crossing guards. For God's sake, what the heck are we arguing about? Give ••

MR. ZWIRN:

It's ••

LEG. VILORIA•FISHER:

Well, I have a question about •• oh, I'm sorry.

LEG. NOWICK:

It's not a lot of money. It needs to be done. How do we ask these people to

go out there without it? How could anybody object?

MR. ZWIRN:

No, it's not ••

LEG. NOWICK:

It's quality of life.

P.O. CARACAPPA:

Hold on, hold on, Lynne.

MR. ZWIRN:

No, no, it's not the coats that we're objecting to, it's the funding source. If the request had been made in a timely manner, the County Executive I'm sure would have included it in the budget. It didn't come in in a timely manner. They're just checking now to see what source of funding would be available to do it. There may not be money in this •• in this line. They may need this money for the Highway Patrol lease.

LEG. NOWICK:

So can we ••

MR. ZWIRN:

It's the offset that can be the problem. I don't think it's the question of the money.

LEG. NOWICK:

Will we know the answer if we finish the other ••

D.P.O. CARPENTER:

Is there another offset that you're more comfortable with?

MR. ZWIRN:

If you can come back to it.

LEG. NOWICK:

Can we skip it and we can go back to it?

MR. ZWIRN:

We're checking it. We're checking ••

P.O. CARACAPPA:

I don't want to have a debate on a budget amendment with the County Executive's Office. This is for us to debate and to work out. So, Legislator Vilorio•Fisher, you have a question?

LEG. VILORIO•FISHER:

Mr. Chair, have we agreed to skip over it?

P.O. CARACAPPA:

Not yet.

D.P.O. CARPENTER:

If I could, I would say ••

LEG. VILORIO•FISHER:

Okay, because my ••

D.P.O. CARPENTER:

•• let's do that.

LEG. VILORIO•FISHER:

I just have the floor, if I may. I believe we should •• I pass crossing guards every single day and they seem to have coats. We're talking about replacing the coats. Let's skip this and see what the County Executive comes back with when they look at the offset and then we can revisit it, Mr. Chair.

D.P.O. CARPENTER:

Okay, I'll withdraw my motion to approve and ask that we pass over this. But just to the issue of the coats that they have, it's my understanding that the coats that they have are not adequate as far as being warm enough; that these crossing guards are sometimes going out of uniform and putting all kinds of layers underneath just to keep themselves warm when they're

out there. They're not long enough, they're just not adequate.

P.O. CARACAPPA:

Okay, skip over it. ***Budget Amendment Number 20.*** Motion by Legislator Carpenter, second by Legislator O'Leary. What this does is fill 28 vacant Deputy Sheriff positions and 55 vacant Correction Officer positions in 2006.

D.P.O. CARPENTER:

Again, if I could on the motion, Mr. Chairman.

P.O. CARACAPPA:

Legislator Carpenter, yes.

D.P.O. CARPENTER:

This was a recommendation by the Budget Review Office that, hopefully, would address overtime costs.

P.O. CARACAPPA:

A motion and a second. Roll call.

(Roll Called by Mr. Barton, Clerk)

D.P.O. CARPENTER:

Yes.

LEG. O'LEARY:

Yes.

LEG. CARACCILOLO:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. VILORIA • FISHER:

No.

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

Pass.

LEG. LINDSAY:

No.

LEG. MONTANO:

No.

LEG. ALDEN:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

No.

LEG. MYSTAL:

No.

LEG. BINDER:

Yes.

LEG. TONNA:

(Not Present)

LEG. COOPER:

No.

P.O. CARACAPPA:

Yes.

LEG. FOLEY:

No.

MR. BARTON:

Tonna. Ten.

LEG. NOWICK:

Henry, cosponsor.

P.O. CARACAPPA:

That passes. Now, shouldn't there be a mandated companion resolution with that?

MS. VIZZINI:

No. Part of this is that the appropriations are there and the positions are there.

P.O. CARACAPPA:

Ben, Mr. Zwirn, you want to enlighten us, please?

MR. ZWIRN:

Oh, yeah. There is money in the Police budget to provide for the coats and they will provide the coats in the Fund 115 Account. There is enough money in the Police budget to do it without tapping into the lease payments for the Highway Patrol.

D.P.O. CARPENTER:

If I •• if I could, then, Mr. Chairman. What I'd like to do is change the resolution, then, not identifying that particular revenue stream, but, rather, to just speak in general to the Police budget, so that we know, in fact, that we do move forward with getting the additional coats, because the purchase order that I saw a copy of was only for 50 coats. So this way we can be assured that they do move forward.

P.O. CARACAPPA:

How would you like the amendment to read?

D.P.O. CARPENTER:

Well, Mr. Zwirn says that the •• there is sufficient revenue in the Police Department budget, so we're going to appropriate the dollars in the Police budget for the purchase of the additional school crossing guard coats.

MR. ZWIRN:

Okay.

P.O. CARACAPPA:

So there's a motion •• there's a motion to amend the amendment, I'll second that. All in favor? Opposed? Abstentions? Okay. And the amendment ••

D.P.O. CARPENTER:

The amendment would read that we ••

MR. BARTON:

18.

D.P.O. CARPENTER:

•• would appropriate \$63,176 in the Police budget for the purchase of the additional 298 school crossing guard coats.

P.O. CARACAPPA:

Okay. There's a motion •• there's a motion by Legislator Carpenter, second by Legislator O'Leary, on the amended amendment.

D.P.O. CARPENTER:

And I thank the County Executive for that.

P.O. CARACAPPA:

All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

Okay. Moving on to **21**. There's a motion by Legislator Bishop.

LEG. MYSTAL:

I'll second it for the purpose of discussion.

P.O. CARACAPPA:

Second by Legislator Mystal. ***This Creates seven new probation officers and two new support staff positions in the Probation Department to be hired in July. The cost is offset by a reduction in supplies and material.***

LEG. BISHOP:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Bishop.

LEG. BISHOP:

You know, the •• it's sad, because the days are fast dwindling when this collective body will not get to hear one of my jail speeches. So I filed this resolution ••

LEG. MYSTAL:

Just so you can make this speech.

LEG. BISHOP:

Just so I could make this speech. The CFROC, which was this government's attempt to create a committee to look at the issue of how we can effectively reduce our jail population, came up with a series of recommendations. These positions were specifically endorsed by the Budget Review Office and they would deal with mental •• establishing a Mental Health Court, something that we certainly should move forward with, and dealing with female recidivism. So this initiative will have the impact of not only helping us manage our jail population, reduce the jail population, and thus avoid the

costly construction, but also reduce crime in the County, obviously, goals that we endorse. County Executive Levy and Director of Probation, Mr. Desmond, have indicated to me that they agree and that they can do this through existing positions in the Probation budget. Therefore, with that commitment, I will withdraw the amendment.

LEG. TONNA:

There you go.

LEG. ALDEN:

And 22.

LEG. BISHOP:

22 as well.

D.P.O. CARPENTER:

Okay. So that Budget Amendment Number 21 is withdrawn, as is Budget Amendment Companion Resolution Number 22. It takes us to **23**, *providing \$81,000 in 2006 to purchase two cargo vans and two passenger vans for the D.A.'s Office. Cost offset by a reduction in the reserve for catastrophic medical claims.* Is there a motion?

LEG. O'LEARY:

Motion.

D.P.O. CARPENTER:

Motion by Legislator O'Leary, second by Legislator Losquadro.

LEG. SCHNEIDERMAN:

On the motion.

D.P.O. CARPENTER:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Where is the Presiding Officer? It's his resolution.

D.P.O. CARPENTER:

He just stepped out of the auditorium for a moment.

LEG. SCHNEIDERMAN:

Can we pass over it until he's back, so we have his vote?

D.P.O. CARPENTER:

Okay. We will pass over 23, then. We have a motion to pass over 23, and also we'll pass over 24. And it will take us to ***Budget Amendment 25, providing \$50,252 for one new Soil Technician, Grade 16, in Soil and Water.*** Legislator Losquadro, on the motion?

LEG. LOSQUADRO:

Yes. Thank you. As a Director on the Soil and Water Conservation District, this was something that was, again, brought up a little bit too late to make it into omnibus, but this is something that is fully offset by increase in State aid that the Soil and Water Conservation District will be able to apply for, provided that we approve this position.

LEG. FOLEY:

Madam Chair.

LEG. CARPENTER:

Yes.

LEG. FOLEY:

Mr. Chairman, thanks.

LEG. VILORIA • FISHER:

Can you put me on the list, please, Joe?

LEG. FOLEY:

Both Legislator Losquadro and I are Directors on the Soil and Water Conservation District Board, and I'd like to go on as a cosponsor and also second the motion for this.

Again, as the Legislator mentioned, these are monies that are offset by

State aid. This particular organization does fine work in Eastern Suffolk County, and they're also getting more and more involved in storm water runoff remediation in the central and western townships of our County as well. So these monies will be well used, and it would help the Soil and Water District to meet their mission as provided by the State and by the County.

P.O. CARACAPPA:

Bless you, Legislator Losquadro, four times over.

LEG. VILORIA•FISHER:

Anything for attention.

P.O. CARACAPPA:

Legislator Vilorina•Fisher.

LEG. VILORIA•FISHER:

May I ask Mr. Zwirn a question?

MR. ZWIRN:

Yes.

LEG. VILORIA•FISHER:

Ben, it indicates here that this would be offset by State aid that would directly impact this position. Do you have that confirmation, that that State aid will be available, and that it will be 100%?

MR. ZWIRN:

The Budget Office informs me that it is •• it's not a lot of money that's involved here on the County •• on the County's portion.

LEG. VILORIA•FISHER:

Okay. What does that mean, Ben? What's the answer to my question?

MR. ZWIRN:

It's offset almost entirely or entirely by State aid.

LEG. VILORIA • FISHER:

Okay. All right. Thank you, Ben, because this is also important to our _AIM_ Program, which is the program which lowers the pesticide and insecticides in fertilizers in our agricultural industry, and so this would be critical to that program.

P.O. CARACAPPA:

There's a motion and a second?

MR. BARTON:

Yes.

P.O. CARACAPPA:

All in favor? Opposed? Abstentions?

LEG. FOLEY:

Thank you.

MR. BARTON:

17, 1 not present. (Not Present: Leg. Bishop)

P.O. CARACAPPA:

On **26** (*Companion mandated resolution to B.A. 25, appropriates the associated retirement costs*). Same motion, same second, same vote.

MR. BARTON:

17, 1 not present. (Not Present: Leg. Bishop)

P.O. CARACAPPA:

Go back to **23**. Motion by myself, second by Legislator O'Leary. This provides \$81,000 for cargo vans, two passenger vans, for the District Attorney's Office. All in favor? Opposed?

[OPPOSED SAID IN UNISON BY LEGISLATORS]

P.O. CARACAPPA:

Opposed is ••

LEG. TONNA:

Roll call.

P.O. CARACAPPA:

Roll call.

(Roll Called by Mr. Barton, Clerk)

P.O. CARACAPPA:

Yes.

LEG. O'LEARY:

Yes.

LEG. CARACCILO:

(Not Present).

LEG. SCHNEIDERMAN:

Yes.

LEG. VILORIA • FISHER:

No.

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

No.

LEG. LINDSAY:

No.

LEG. MONTANO:

No.

LEG. ALDEN:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

No.

LEG. MYSTAL:

No.

LEG. BINDER:

No.

LEG. TONNA:

No.

LEG. COOPER:

No.

D.P.O. CARPENTER:

Yes.

MR. BARTON:

Eight. (Not Present: Leg. Caracciolo)

P.O. CARACAPPA:

It fails. ***24 (Provides \$400,000 in 2006 to fill existing vacancies in the District Attorney's Office. The cost is offset by a reduction to the reserve for catastrophic medical claims).*** Motion by myself, second by Legislator O'Leary. This provides \$400,000 in 2006 to fill existing vacancies in the District Attorney's Office. There's a motion and a second. Roll call.

(Roll Called by Mr. Barton, Clerk)

P.O. CARACAPPA:

Yeah.

LEG. O'LEARY:

Yes.

LEG. CARACCILO:

(Not Present)

LEG. SCHNEIDERMAN:

Yes.

LEG. VILORIA • FISHER:

No.

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

No.

LEG. LINDSAY:

No.

LEG. MONTANO:

No.

LEG. ALDEN:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

No.

LEG. MYSTAL:

No.

LEG. BINDER:

No.

LEG. TONNA:

No.

LEG. COOPER:

No.

D.P.O. CARPENTER:

Yes.

MR. BARTON:

Eight. (Not Present: Leg. Caracciolo)

P.O. CARACAPPA:

It fails. Moving on to ***27 (Establishes a budgetary policy assuring that contracted services as required by changes in NYS Law pertaining to PINS are subject to the RFP process).***

LEG. ALDEN:

Motion.

P.O. CARACAPPA:

Motion by Legislator Alden, second by Legislator Losquadro.

LEG. LOSQUADRO:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Losquadro.

LEG. LOSQUADRO:

If I could just ask for my colleagues' support. This is simply establishing a budgetary policy. Since the State legislation has changed that now no longer allows for nonsecure detention, we have to move towards a respite bed. I would just like to see in the interest of open government that this process be subject to an RFP as other practices in County government. I would not like to see this contract handed out on a non•bid basis. So I'd just ask my colleagues' support to ensure that this does go through a proper RFP process, because currently there are two providers that do the nonsecure detention, and I just wanted to make sure that this isn't just handed over to a single provider in the future without anyone in the County, aside from even those two individuals who provide it now, having the opportunity to bid on it, and making sure that we get the best, most cost effective service for our dollars.

P.O. CARACAPPA:

Legislator Bishop, Carpenter, Vilorio•Fisher, Kennedy.

LEG. BISHOP:

Well, I hope it's not going to be that long a debate. I just question •• I agree with everything Legislator Losquadro said, except I don't think that we're supposed to do this in a budget. Isn't that proper subject matter for a resolution? And we object when the County Executive attempts to legislate through the budget process. I don't think that we should be guilty of the same offense. I guess I could pose that as a question to either the sponsor or Counsel. I mean, there's ••

P.O. CARACAPPA:

Well, it does •• it establishes a budgetary policy.

LEG. LOSQUADRO:

Since it relates •• I'm sorry, through the Chair. Since it relates to the expenditure of funds, Counsel, if I could just ask you to clarify on that.

LEG. BISHOP:

Well, basically ••

MS. KNAPP:

This is •• well, this is kind of an unusual one in that it should be being subject to RFP no matter what. I mean, the law •• the law is the law of the State as implemented by this Legislature in its procurement policies. That having been said, it certainly is a fit subject for an I.R. However, this Legislature has in the past implemented the budget process in this fashion. Whether I think it should more properly be the subject of an IR is difficult to say. It is part of their •• part of the Legislature's history.

LEG. BISHOP:

I appreciate the answer. Thank you.

LEG. LOSQUADRO:

If I could follow•up on that thought. Since •• as I said, there were two providers. One of those providers was chosen by the County Executive not to be continued, one was. I just want to make sure, as part of this process, as other members of the Budget Work Group want to make sure, that no arbitrary decision is made, that it has to adhere to the RFP process, because a decision was made to continue as it pertains to weaning ourselves off this. A decision was made by the County Executive to continue with one of those providers and not the other. So I would just like to make sure that as the process moves forward with the new State legislation on that question we do go through a proper open RFP process.

P.O. CARACAPPA:

Legislator Viloría•Fisher, then Kennedy.

LEG. VILORIA•FISHER:

Thank you, Mr. Chair. On the face of it, it looks like a very good idea. However, if we can go through the regular committee process, I think it would be preferable so that we have a full understanding of how the law has changed, how we wish to address it, some of the history that Legislator Losquadro has described. I think all of us should have an opportunity to examine the details of a resolution and vote on it. We shouldn't rush to judgment without a full exploration of the issue. And so I will vote against this and hope that it can be reintroduced as a resolution and go through the

committee process.

P.O. CARACAPPA:

Legislator Carpenter and Kennedy.

D.P.O. CARPENTER:

I just want to tell everyone, and with yesterday, offices being closed, I had received a letter from Mr. Desmond on Monday that I faxed all Legislators that really outlined •• and I see that one went to the Presiding Officer also, so I don't know if each Legislator got one or not. But it spoke to this whole issue quite well, actually. And they did talk about an RFQ, but then they spoke about an RFP. So perhaps, you know, this resolution would be in order, clearly defining it as an RFP. But the letter is in the offices, and maybe the Presiding Officer has his copy here and maybe we can copy it up for everybody.

LEG. VILORIA • FISHER:

That's my point, it's a lengthy letter. So it's a complex issue. I believe it should go through the committee process as a regular resolution.

P.O. CARACAPPA:

Legislator Kennedy.

LEG. KENNEDY:

I did not have an opportunity to read the letter, but I do see that we have the Commissioner in the audience, and I do recall that we spoke at length. While Mr. Zwirn is here to speak to us, it's great to go to the horse's mouth. Can Mr. Desmond step to the podium, please, and talk to us?

P.O. CARACAPPA:

Through the Chair.

LEG. KENNEDY:

I'm sorry, through the Chair.

P.O. CARACAPPA:

Mr. Desmond, you've been requested, if you don't mind.

LEG. KENNEDY:

Mr. •• Commissioner Desmond, hi. How are you?

COMMISSIONER DESMOND:

Good afternoon. The RFP that I referred to in the letter is for nonsecure detention. And it was •• has always been the intention of the Probation Department to do an RFP for nonsecure detention for 2006. That's always been the case.

The question about respite is where the RFQ comes in, because there we're looking at very, very small facilities, possibly through foster care, one bedroom or two bedrooms in a foster care house. That's the RFQ side.

LEG. KENNEDY:

Am I mistaken, though? I mean, we spoke about this going back last week or two weeks ago. We're under these new regulations right now ••

COMMISSIONER DESMOND:

Right.

LEG. KENNEDY:

Is that correct?

COMMISSIONER DESMOND:

Right. And this is ••

LEG. KENNEDY:

This is •• we're not prospectively looking at the ability to conform, we've got to do this currently.

COMMISSIONER DESMOND:

Right.

LEG. KENNEDY:

How are we doing it now?

COMMISSIONER DESMOND:

What we're doing right now is we've •• we're utilizing Montfort House as the respite facility until December 31st. After that time, we will be down to just one nonsecure detention facility, which in the budget is Hope for Youth.

LEG. KENNEDY:

Why •• I don't understand. What changes after December 31st besides a year? Why do we not have the ability in January to utilize this facility as well as another one?

COMMISSIONER DESMOND:

Because it was •• that facility was taken out of the •• by the County Executive's budget.

LEG. KENNEDY:

So the '06 Operating contains nothing in order to continue a contract with this agency; is that it?

COMMISSIONER DESMOND:

Well, both contracts run out in •• at the end of '05. The RFP is to be done next year for a nonsecure detention facility.

LEG. KENNEDY:

Okay. So Montfort is one. Who's the other one?

COMMISSIONER DESMOND:

Hope for Youth.

LEG. KENNEDY:

Hope for Youth, okay. How many people do you place in each of these facilities now?

COMMISSIONER DESMOND:

Normally, we place close to 20 to 24 at any one time throughout the course of the year. The problem is that under the new State law, the courts will no longer be issuing PINS warrants on virtually any cases. So since that has gone into effect, the number of children that we're housing in nonsecure

detention has dropped dramatically. We believe that we will be housing probably less than 12 children at any one time, which means we only need one nonsecure detention facility. What we need to do instead under the new law is to develop respite beds throughout the County for runaway children.

LEG. KENNEDY:

How long are these new •• the regs been in place?

COMMISSIONER DESMOND:

The regs have been in •• they were passed by the Legislature in April, and the Family Court began on November 1st seizing •• issuing warrants for runaway children under PINS. So since November 1st has been •• this part of the law has gone into effect.

LEG. KENNEDY:

So in eight days you've been able to project that our requirement to house is going to drop by 50%? How could that be?

COMMISSIONER DESMOND:

Because even before that, because of the effects of different parts of this new law, we've had a dramatic reduction in the number of PINS children coming into the system. This has been done because, at this point, before a case can go to Family Court, it has to go through the Probation Department as lead agency in the County and there has to be sufficiency shown. In other words, that every diversion effort that could be done has been done.

This has very drastically hit the school districts, because they've had to show that they've made every educational effort to provide for the PINS child. The school districts have been basically responding to that by trying to set up different kinds of alternatives within the school districts, and we've had a dramatic number •• decrease in the number of school PINS.

LEG. KENNEDY:

How many years have we been in contract with Montfort, or have we utilized them?

COMMISSIONER DESMOND:

At least six. I'd have to go back further, but at least six. Probably about

ten.

LEG. KENNEDY:

Have we ever had a reason to go ahead and terminate? Have they ever not performed? Have they ever been in breach? Have they ever not provided adequate service to our youth? Have there ever been any, you know, cases of abuse, or anything like that?

LEG. MYSTAL:

No, no, no, no and no.

COMMISSIONER DESMOND:

Yeah, there have been no cases of abuse. There have been no grievous problems with Montfort House. If I could just jump to what had happened with the departmental budget. We had recommended that Montfort be retained as a respite facility for '06. In that regard, Father Frank had given us a revised budget of approximately \$600,000. The problem with that is that under the State regulations there's a cap on respite funding, and as a result of that cap throughout the State, the County would have to pay the entire \$600,000 for that facility.

LEG. KENNEDY:

I'll yield back to the Chair. I don't want to monopolize this discussion, but it sounds to me like there's •• it's prudent and that it's something that we should be acting on at this point. Thank you, Mr. Chair.

P.O. CARACAPPA:

Very good. Thank you, Mr. Desmond.

LEG. TONNA:

Could I ••

P.O. CARACAPPA:

Legislator Tonna.

LEG. TONNA:

I just •• I had an opportunity to talk with Father Frank about this issue and I

just •• when reading his summary, they've been there longer, they do, you know •• they've done a job. They're more economical, from what I could read. Why was there no process of discussion? Why was there no •• it seemed like, at least when talking to Father Frank, that I got the sense that this was somehow arbitrary and capricious, not something that was well thought out.

Here is a contract agency that we use, we got them into the business, we asked them from what I understand, right? So we ask an organization to do this because Suffolk County has a need. They do it. They do a good job, right? We'd say that they do an excellent job? And then it's almost like them, we pull away our support and leave them holding the bag. And I just •• you know, I just want to get a sense, because that's I think what was communicated to me, both verbally and, you know, in written form. So why is that?

COMMISSIONER DESMOND:

Earlier in the year, as a result of what was going on with the PINS legislation, I determined that we would need a respite facility. The problem is is that the warrants would no longer be issued by Family Court for juvenile runaways, they would all have to be handled as missing persons by local village, town police departments, as well as Suffolk County Police. In response to that, I had asked Father Frank, because of the •• Montfort House is much more geographically centered than Hope for Youth, which is over in Amityville. I wanted someplace that would allow the •• all of the law enforcement agencies in Suffolk County a more central location to bring the children, so they wouldn't have to travel as far to house them in respite, since we wouldn't be able to house them in nonsecure detention. Father Frank had given me a budget for respite, for a respite facility for '06, which I included in my budget. Because of the large expense of the new PINS legislation to the County in effecting a number of programs, including Alternatives for Youth, that the County's Budget Office had reduced out that budget line for the respite program for Montfort House.

LEG. TONNA:

Yeah, but, without really any communication, and just say, no, not resubmit a budget, not •• you know, give us •• so it doesn't seem like the County is

being, you know, a really good partner in this when we ask somebody to enter a partnership and then we enter a partnership with them and then we don't even communicate really with them. It seems like it's a budget decision that's made. There's no •• there's no respect to a contract agency that, you know, that has •• that we've asked to get involved, and it just seems to me that that's wrong. That's absolutely wrong, given the fact that the ministry, the agency, whatever you want to call it, they're already at •• you know, they're strapped. And it was out of the goodness of their heart that they got involved in this, because they saw a need, not for any profit motive, not for anything at all. And it just •• it just seems to me that it's one of those things where a Budget Office •• a cold calculated, let's just, you know, "X" this out and not looking at the human factors that are involved, and the fact that we, as a County, were the ones who initiated it. So I'm •• although I have •• I had not supported any stand•alones, this •• if this helps mitigate that situation, create some dialogue, I'm definitely going to support this stand•alone.

P.O. CARACAPPA:

Legislator Lindsay, then Losquadro.

LEG. LINDSAY:

Yeah. Mr. Desmond, or Commissioner Desmond, I think the question that Legislator Tonna was asking wasn't so much about the respite portion, but why was Hope View •• Hope View, isn't that the other ••

COMMISSIONER DESMOND:

Hope for Youth.

LEG. LINDSAY:

Hope for Youth, okay, was picked over Montfort House for the other portion?

COMMISSIONER DESMOND:

Because what happened was I had put into my budget for Montfort House to be budgeted as a respite facility for '06, because that's where I perceive the need to be, and the money was removed from my budget for ••

LEG. LINDSAY:

Because you didn't know that that portion wasn't going to be subsidized by the State?

COMMISSIONER DESMOND:

Yes, I knew. That's why •• Montfort House had originally had a budget of close to a million dollars, and if we had continued with Montfort House for another year as a nonsecure detention facility, the budget would have been approximately that. Of that, 50% would have been reimbursed from the State. I knew that there was not going to be any reimbursement money from the State for respite, because this is happening all throughout the State to every county. As we attempt to switch over to respite, there has been a State limit put on respite funding, so I knew this was the situation. Thus, I had asked Father to provide a smaller budget that would give him more flexibility and he agreed to do that, and that had been placed into my budget.

LEG. LINDSAY:

Okay. I guess it's hindsight, but probably what we should have done is put out an RFP to both of these institutions to bid on both portions of it; no?

COMMISSIONER DESMOND:

Well, we'll be putting out an RFP anyway for nonsecure detention for '06. We would •• have to anyway, and either both Montfort House and Hope for Youth can bid on that. The basic problem was that I had asked Father to put in a different budget for a respite facility and that was cut from the budget line.

LEG. TONNA:

Can I ••

P.O. CARACAPPA:

Legislator Losquadro.

LEG. TONNA:

Oh, I'm sorry, I apologize. Danny, I apologize, go ahead.

LEG. LOSQUADRO:

No, that's all right. Legislator Tonna, I'll yield to you for a moment.

LEG. TONNA:

Okay. I'm reading •• there's verbal communication going on and there's nonverbal communication, and I just •• I want to get •• my sense is that you're upset about this also, and that as a Commissioner, you thought that you would be able to get both these things done and it seemed like this was done over your head, or whatever, by a Budget Office by •• just basically said, "We just made a financial decision based on this, this and this," without any real consideration of the human factors involved, and probably a very excellent relationship that your •• that the Office of Probation, or whatever we call it, has established with Father Pizzarelli and •• you know, and with the services that they've been providing the County; is that true?

COMMISSIONER DESMOND:

We've had a very good working relationship with Hope for Youth and for Montfort House •• I mean, with Montfort House and Father Frank's ministries as well.

LEG. TONNA:

Right. So what I •• would there be any untruth to what I've just articulated?

COMMISSIONER DESMOND:

I think you'd be right on the mark.

LEG. TONNA:

Thank you. So maybe what we can say is we •• and I'll say it, although the Commissioner probably, you know, is not at liberty to say, is that this was something that was just done in a •• you know, in a Budget Office that just said, "Hey, look, this doesn't work. We don't care about communicating back and forth. We don't care about all of these other things. We don't even care about the idea of being a really good partnership that we've asked somebody to take on a liability for us." And you know what it's like when you're •• a not•for•profit organization like this that builds the facilities, that does all the different things, that projects their budget, that has to do their

own fund•raising, that has to do all of this other stuff, then put the professionals in in the place, and all of a sudden, you know, has a good relationship and then, bang, just kind of capriciously, "Oh, it's out of the budget," all right, because something has changed. Now maybe on the merits, but I would think a compassionate response would be go back to them and say, "Hey, some things have changed. Can we do something so that, you know, we mitigate the risk that you've taken on our behalf and maybe get you up and running on something else?" No, that's not what was not done. And all I can tell you is it's not fair for a not•for•profit organization, a contract agency and a partner with this County for many years, taking care of vulnerable children and taking care of, you know, children that they've done an excellent service for on probation to do this. So I would •• Danny, if this helps mitigate it, I'm willing to support it.

P.O. CARACAPPA:

Legislator Losquadro.

LEG. LOSQUADRO:

Thank you.

P.O. CARACAPPA:

Let's try and wrap this up.

LEG. LOSQUADRO:

Absolutely. And I know Legislator Vilorio•Fisher just has a quick question. And I would just like to say, while Commissioner Desmond's intentions were obviously good, I think that establishing this policy will eliminate these types of things from happening in the future. He made an attempt to alleviate a situation and, unfortunately, in a budget line someone said, "No, that's too expensive for us to do," and it left someone completely out of the process, instead of having even the opportunity to move forward and bid in a reduced capacity. And it's just unacceptable and it's something that I would like to establish this policy as part of the budget process to make sure this doesn't happen again.

P.O. CARACAPPA:

Legislator Vilorio•Fisher.

LEG. VILORIA • FISHER:

I just had a question for the Commissioner.

LEG. TONNA:

Turn on the mike.

LEG. VILORIA • FISHER:

Mr. Desmond.

LEG. TONNA:

I can't hear you.

LEG. VILORIA • FISHER:

I'm sorry.

P.O. CARACAPPA:

Mr. Desmond.

LEG. VILORIA • FISHER:

Perhaps I didn't hear you correctly, but I believe in answer to Legislator Kennedy's question, you had said that you were going to have an RFP wherein these two entities could submit their proposals.

COMMISSIONER DESMOND:

Correct.

LEG. VILORIA • FISHER:

Now ••

COMMISSIONER DESMOND:

Yes.

LEG. VILORIA • FISHER:

How would •• how would this legislation change that process?

COMMISSIONER DESMOND:

It would have no impact on it whatsoever. We're required anyway to have the RFP.

LEG. VILORIA • FISHER:

Okay. Then why is this here? I'm just confused. If we're going to have an RFP anyway, then why do we need this stand-alone?

LEG. LOSQUADRO:

You want me to even address it or ••

LEG. VILORIA • FISHER:

Yes, I ••

P.O. CARACAPPA:

No, we have addressed. But we have addressed it.

LEG. VILORIA • FISHER:

Okay. Can you address it again, because maybe •• if we have an RFP, then why do it ••

P.O. CARACAPPA:

We've been discussing the reason why they feel this RFP is necessary for the last hour.

LEG. VILORIA • FISHER:

But he's saying there is an RFP.

LEG. LOSQUADRO:

No. If I may just very quickly, and then I would like to take this vote. The Commissioner only eluded to an RFP for nonsecure detention, did not elude to an RFP for respite. And as we've been discussing, some of the budgetary decisions that were made, I would just like to see this process formalized, that's all.

LEG. VILORIA • FISHER:

Okay. So there's no RFP for respite.

P.O. CARACAPPA:

Mr. Desmond.

LEG. VILORIA • FISHER:

Okay. Is that the answer, there's no RSP •• RFP for respite care?

COMMISSIONER DESMOND:

I'm sorry.

LEG. VILORIA • FISHER:

I'm just asking it as a direct question.

COMMISSIONER DESMOND:

Yeah. No, we would be putting out RFQ's for respite. There's \$150,000 in the budget to provide respite, and we would be looking to make arrangements with foster homes and such to provide additional beds that we can use for respite. It would be very small facilities, one or two beds, and we'd be using them intermittently.

P.O. CARACAPPA:

Okay. Thank you.

MR. ZWIRN:

Mr. Presiding Officer.

P.O. CARACAPPA:

There's a motion and a second.

MR. ZWIRN:

Mr. Presiding Officer, may I just say •• add ••

P.O. CARACAPPA:

That debate's over.

MR. ZWIRN:

Well ••

P.O. CARACAPPA:

I don't want to debate back and forth to •• to the podium.

MR. ZWIRN:

Well ••

P.O. CARACAPPA:

The answers •• the questions were directed to the Commissioner, those have been answered, we're voting. There's a motion and a second. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. ALDEN:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. O'LEARY:

Yes.

LEG. VILORIA • FISHER:

Pass.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. MONTANO:

(Not Present)

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. MYSTAL:

Yes.

LEG. BINDER:

(Not Present)

LEG. TONNA:

Yes for Father Frank.

LEG. COOPER:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yep.

MR. BARTON:

Schneiderman.

LEG. SCHNEIDERMAN:

I already voted.

MR. BARTON:

Oh, I thought you said pass. It was yes?

LEG. SCHNEIDERMAN:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. MONTANO:

Yes.

MR. BARTON:

And Binder (not present). 17, 1 not present.

P.O. CARACAPPA:

Thank you. That's approved. That does it for the Budget Amendments, but we do have some more budget business.

Item number 5 you'll see is to consider and vote on ***I.R. 2042, to reinstate day • care funding***. This was cut by the federal government, and because of that and we're picking it up, it requires 14 votes for us to basically re • fund it. It has to discharge • • we have to discharge it from committee, so I'm going to make a motion to discharge this bill, which is 2042, out of Health and Human Services, second by Legislator Lindsay. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

That's before us now. I'm going to make another motion to waive the rule • • the one • hour rule on 2042.

LEG. LINDSAY:

Second.

P.O. CARACAPPA:

Second by Legislator Lindsay. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

This bill is now before us to be voted on. This resolution, again, is to reinstate daycare funding cut by the federal government. There's a motion by myself, second by Legislator Lindsay. All in favor? Opposed? Abstentions?

LEG. BINDER:

Opposed.

P.O. CARACAPPA:

Opposition, Legislator Binder.

MR. BARTON:

17•1.

LEG. VILORIA•FISHER:

I'd like to be a cosponsor, Henry.

LEG. COOPER:

Yes, cosponsor, Henry.

LEG. SCHNEIDERMAN:

I'll cosponsor.

LEG. BISHOP:

Cosponsor.

LEG. MYSTAL:

Mystal wants to cosponsor.

P.O. CARACAPPA:

I will make a motion, second by Legislator Lindsay, to lay the following bills on the table as late•starters: 2156 goes to Public Works; 2159 goes to Ways and Means; 2160 goes to Ways and Means, and Sense 74 will go to Public Safety. There's a motion and a second to waive the rules and lay those on the table. All in favor? Opposed? Abstentions? Those bills are laid on the table and assigned to those committees.

MR. BARTON:

18.

P.O. CARACAPPA:

Before we end, I'd like to take this opportunity to thank Budget Review for another solid job this year.

(Applause)

Your staff, Gail, and yourself, we really appreciate it. And also to my staff and to Counsel for preparing everything and working diligently to make sure that this budget process went as smooth as it did. So, also, I'd like to thank my colleagues for a very solid budget process. And if there isn't anything else to come before this body today, we stand adjourned. Thank you.

[THE MEETING WAS ADJOURNED AT 1:05 P.M.]

_ _ ***Indicates Spelled Phonetically***